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THE RIGHT TO DEVELOPMENT

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

RIGHTS OF THE CHILD

Written statement submitted by Pax Christi International
Catholic Peace Movement, a non-governmental organization
in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 December 1998]

GE.99-10666 (E)

Human rights and development

1. Rights must always be seen in relationship to responsibilities, and also in relationship to needs. Unless this triad is kept clearly in mind, rights language and analysis can separate rather than unite those who are working for development.

2. For example, the right to life is correlative with the responsibility to preserve it and with the need for adequate resources, directly from the fruit of one's own labour, through a living wage or from the allotment f necessary means through some social mechanism of the community. Likewise, the right to a decent standard of living is correlative with the need for a physical and social environment that fosters a way of life in which people can experience their continuing personal development. This environment should include the opportunity to serve the common good, for all persons are social by nature and cannot reach their potential unless they invest in the good of all. Today we are coming to realize that concern for the common good includes care for the biosphere itself, of which we are a part.

3. Government has an essential role to play here, to promote the common good of society by seeing to it that basic human needs are met, that responsibilities are carried out and that rights are respected.

Integrating Human Rights and Development

4. Human rights are moral claims to whatever a person or a group needs in order to protect and develop life, liberty and the pursuit of happiness. These rights become legal and political when they are expressed in constitutional law. Most rights are not absolute because they exist in conflict with others' rights. It is precisely in adjudicating claims to rights that there is need for ethical norms or guidelines that can be accepted across cultures.

5. Pax Christi believes that the following two principles provide such norms:

1. The needs of the poor take priority over the wants of the rich;

2. The right of all members of a society to participate in decision-making that affects them takes priority over the ability of privileged individuals or groups to exclude them.

6. These principles provide the basis for practices that integrate human rights and development. Local, national and international policies should aim first and directly at satisfying the subsistence needs of all members of the society. These subsistence needs are for food, clothing, housing, basic education and basic health care. At the same time, care must be taken not to violate transcendence needs, such as freedom of assembly, speech, religion, the press and the opportunity to participate in decision-making at all levels of society. Only secondarily should policies aim at fostering availability of

goods and services beyond subsistence needs. Prioritizing policies in this way allows for growth but also for balance and for care for the physical environment. These principles provide an analytic tool for judging economic practices of both the public and private sectors.

Development and peace

7. The intrinsic relationship between development and peace becomes clear when we recognize that there are three closely related pressures against peace: (i) ecological degradation caused by mismanagement of natural resources, (ii) arms proliferation and use, whether by State controlled armies or terrorists and the threat of use of chemical and biological weaponry, and (iii) prolonged systematic poverty. Adequate development policy must take into account the cause and effect relationship among these three factors.

8. In regard to systematic poverty, it must be acknowledged that enormous wealth and crippling poverty measured in disease, stunted lives and early death do not exist side by side without any connection. In fact, the labour of poor people produces the wealth to which these same poor people, in many cases, do not have access. There cannot be an adequate distribution of wealth if there is only a minimum standard of living but no maximum standard of living in a society. Tolerance for unlimited wealth is destructive of the fabric of any society. Until this is acknowledged, many of the efforts to restructure economies in the direction of justice will fail because they do not face a major factor in the so-called "poverty problem". The "poverty problem" is at one and the same time a problem of unbridled quantitative growth.

9. The report of the Working Group on the Right to Development on its second session (E/CN.4/1995/11) recognized this by calling into question much of the conventional wisdom about development:

> "Since the right to development implies an integrated approach to political, social, economic and cultural rights as a whole, care should be taken to avoid dissociating the economic and monetary aspects of development from its social aspects and to enhance the dialogue between international social and humanitarian agencies and institutions responsible for financial and trade questions." (para. 88)

In its conclusions the report further notes:

> "The economic aspects of development seem to receive preference from funding bodies and donors over social aspects. Development assistance is not apportioned among specialized international agencies according to objective criteria related to the basic needs of individuals and population groups; the requirements of growth, production and productivity seem to win out over considerations that would make the human person 'the central subject of development' as called for in article 2 of the [1986] Declaration on the Right to Development." (para. 93).

Recognizing that the globalization of the economy "seems to be the most important change of our era", the final paragraph of the report has more relevance than when it was written four years ago:

> "The increasingly clear consequences of this globalization of the economy are a reduction in States' room to manoeuvre and the ever more relative nature of their influence on the enjoyment of the right to development. At the same time, international cooperation seems more and more essential to the universal enjoyment of this right. The corollary to the globalization of the economy, then, is a strengthening of solid, productive international fellow-feeling: otherwise the application of the Declaration on the Right to Development will be, if not a vain, then at least an inadequate exercise." (para. 94)

10. Pax Christi affirms these conclusions and in keeping with its character as a peace movement that works for peace as the fruit of justice, offers the following observations:

(a) The "international fellow-feeling" recognized as essential for overcoming the pressures against integral human development must be especially sensitive to the effect of maldevelopment on children, who are at once humanity's most precious inheritance and most vulnerable members. Children have the same human rights as adults. The treatment of children is the clearest indicator of respect for, or disregard of, human rights in practice. The right to development must address directly the violation of children through their involvement in war as soldiers and victims, their degradation through sexual exploitation, and their deformation through exploitative child labour practices. Finally, the existence of large numbers of street children and of child refugees and internally displaced children, many of them separated from their families, stand as an indictment against all those who allow these conditions to go unchecked.

(b) Pax Christi calls attention particularly to several factors which contribute to the destruction of children's potential for development. First, there is small hope for integral human development of children, or adults either, unless and until questions of development are treated in their moral dimensions. Economic and political policies and practices should be evaluated first from their direct impact on poor and vulnerable persons, and only then by their effect on economic growth measured quantitatively. Second, integrating human rights with the right to development requires that more attention be given to the need for fostering domestic-led economic strategies over export-led strategies. The assumption that what is good for trade is good for people needs to be called into question. A good place to begin is to examine the impact of the arms trade on issues of development. Just as the international community is coming to accept the fact that the export of tobacco has a negative impact on the health of an importing country, so, too, we need to recognize that the export of weaponry, legally or illegally, is death-dealing. Any financial profit from this trade is at the price of human misery. As the millennium draws to a close, and our interdependent human race is under the increased threat of terrorism, it is time to face up to the interconnectedness of all forms of weaponry, nuclear, conventional, and biological and chemical. Technical genius applied to military strategy and tactics has produced an untenable result. Perhaps the time is coming when

humankind will recognize that the attempt to find or establish peace through war and the threat of war has brought us to the threshold of understanding the futility of war, the threat of war and preparation for war.

(c) Pax Christi therefore urges that all efforts at integrating work for human rights and development should make creative use of the Decade for a Culture of Peace and Non-Violence for the Children of the World proclaimed by the United Nations General Assembly on 10 November 1998, and urges education on the links between human rights and development as a component of a culture of peace and non-violence.

(d) Finally, Pax Christi urges that the momentum against the scourge of landmines developed within the past few years not be allowed to wane. The international treaty against landmines needs to be complimented by concrete programmes for landmine removal and ongoing rehabilitation of landmine victims, and of the victims of other kinds of weapons. Perhaps the efforts towards development that have employed so much human investment with less than adequate results can be attributed to a simple flaw, namely, the failure to respect the rights of victims, be they the victims of war or of other injustices.